

NINETY-SIXTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 18CA**

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Kristensen, 37; Raikes, 25

Read first time January 15, 1999

Committee: Government, Military and Veterans Affairs

1           THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA,  
2 FIRST SESSION, RESOLVE THAT:

3           Section 1. At the general election in November 2000 the  
4 following proposed amendment to the Constitution of Nebraska shall  
5 be submitted to the electors of the State of Nebraska for approval  
6 or rejection:

7           To amend Article III, sections 2 and 4, and Article XVI,  
8 section 1, and add a new section 3 to Article XVI:

9           III-2 "The first power reserved by the people is the  
10 initiative whereby laws may be enacted and constitutional  
11 amendments adopted by the people independently of the Legislature.  
12 This power may be invoked by petition wherein the proposed measure  
13 shall be set forth at length. If the petition ~~be~~ is for the  
14 enactment of a law, it shall be signed by seven percent of the  
15 registered voters of the state. If ~~and if~~ the petition ~~be~~ is for  
16 the amendment of ~~the~~ this Constitution, the petition ~~therefor~~ shall  
17 be signed by ten percent of such registered voters. In all cases

1 the registered voters signing such petition shall be so distributed  
2 as to include five percent of the registered voters of each of  
3 two-fifths of the counties of the state, and when thus signed, the  
4 petition shall be filed with the Secretary of State who shall  
5 submit the measure thus proposed to the electors of the state at  
6 the first general election held not less than four months after  
7 such petition shall have been filed. The same measure, either in  
8 form or in essential substance, shall not be submitted to the  
9 people by initiative petition, either affirmatively or negatively,  
10 more often than once in three years. If conflicting measures which  
11 propose the enactment of a law submitted to the people at the same  
12 election ~~be~~ are approved, the one receiving the highest number of  
13 affirmative votes shall thereby become law as to all conflicting  
14 provisions. If conflicting measures which propose a constitutional  
15 amendment submitted to the people at the same election are  
16 approved, the one receiving the highest number of affirmative votes  
17 shall be referred to the electorate for ratification pursuant to  
18 Article XVI, section 3, of this Constitution. The constitutional  
19 limitations as to the scope and subject matter of statutes enacted  
20 by the Legislature shall apply to those enacted by the initiative.  
21 Initiative measures shall contain only one subject."

22 III-4 "The whole number of votes cast for Governor at the  
23 general election next preceding the filing of an initiative or  
24 referendum petition shall be the basis on which the number of  
25 signatures to such petition shall be computed. The veto power of  
26 the Governor shall not extend to measures initiated by or referred  
27 to the people. A measure initiated which proposes the enactment of  
28 a law shall become a law ~~or part of the Constitution,~~ as the case

1 ~~may be,~~ when a majority of the votes cast thereon, and not less  
2 than thirty-five ~~per cent~~ percent of the total vote cast at the  
3 election at which the same was submitted, are cast in favor  
4 thereof, and shall take effect upon proclamation by the Governor  
5 which shall be made within ten days after the official canvass of  
6 such votes. A measure initiated which proposes a constitutional  
7 amendment shall be referred to the electorate for ratification  
8 pursuant to Article XVI, section 3, of this Constitution, when a  
9 majority of the votes cast thereon, and not less than thirty-five  
10 percent of the total vote cast at the election at which the same  
11 was submitted, are cast in favor thereof. The vote upon initiative  
12 and referendum measures shall be returned and canvassed in the  
13 manner prescribed for the canvass of votes for president. The  
14 method of submitting ~~and adopting~~ amendments to the Constitution  
15 provided by this section shall be supplementary to the method  
16 prescribed in the article of this Constitution, entitled,  
17 "Amendments" and the latter shall in no case be construed to  
18 conflict herewith. The provisions with respect to the initiative  
19 and referendum shall be self-executing, but legislation may be  
20 enacted to facilitate their operation. All propositions submitted  
21 in pursuance hereof shall be submitted in a non-partisan manner and  
22 without any indication or suggestion on the ballot that they have  
23 been approved or endorsed by any political party or organization.  
24 Only the title or proper descriptive words of measures shall be  
25 printed on the ballot and when two or more measures have the same  
26 title they shall be numbered consecutively in the order of filing  
27 with the Secretary of State and the number shall be followed by the  
28 name of the first petitioner on the corresponding petition. The

1 ballot for a measure initiated which proposes a constitutional  
2 amendment shall include a notice that the measure is subject to a  
3 vote for ratification."

4           XVI-1 "The Legislature may propose amendments to this  
5 Constitution. If the same be agreed to by three-fifths of the  
6 members elected to the Legislature, such proposed amendments shall  
7 be entered on the journal, with yeas and nays, and published once  
8 each week for three consecutive weeks, in at least one newspaper in  
9 each county, where a newspaper is published, immediately preceding  
10 the next election of members of the Legislature or a special  
11 election called by the vote of four-fifths of the members elected  
12 to the Legislature for the purpose of submitting such proposed  
13 amendments to the electors. At such election said amendments shall  
14 be submitted to the electors for approval or rejection upon a  
15 ballot separate from that upon which the names of candidates  
16 appear. The ballot shall include a notice that the measure is  
17 subject to a vote for ratification. If a majority of the electors  
18 voting on any such amendment adopt the same, it shall ~~become a part~~  
19 ~~of this Constitution,~~ provided be referred to the electorate for  
20 ratification pursuant to Article XVI, section 3, of this  
21 Constitution if the votes cast in favor of such amendment ~~shall not~~  
22 ~~be~~ are not less than thirty-five ~~per cent~~ percent of the total  
23 votes cast at such election. When two or more amendments are  
24 submitted at the same election, they shall be so submitted as to  
25 enable the electors to vote on each amendment separately."

26           XVI-3 "(1) Before an amendment to this Constitution takes  
27 effect, there shall be two votes by the electors. The first vote  
28 for adoption of the amendment may be made pursuant to initiative as

1 provided by Article III, sections 2 and 4, of this Constitution or  
2 pursuant to the Legislature proposing an amendment as provided by  
3 Article XVI, section 1, of this Constitution. The second vote  
4 shall be for ratification and shall be made pursuant to subsection  
5 (2) of this section.

6 (2) The proposed amendment shall, without change, be  
7 published once each week for three consecutive weeks, in at least  
8 one newspaper in each county, where a newspaper is published,  
9 immediately preceding the next election of members of the  
10 Legislature or a special election called by the vote of four-fifths  
11 of the members elected to the Legislature for the purpose of  
12 submitting such proposed amendment to the electors for  
13 ratification. At such election the proposed amendment shall be  
14 submitted to the electors for ratification. If a majority of the  
15 electors voting on any such amendment ratify the adoption of the  
16 same, it shall become a part of this Constitution if the votes cast  
17 in favor of such amendment at the election are not less than  
18 thirty-five percent of the total votes cast at such election."

19 Sec. 2. At the general election in November 2000 the  
20 following proposed amendment to the Constitution of Nebraska shall  
21 be submitted to the electors of the State of Nebraska for approval  
22 or rejection:

23 To amend Article III, section 2:

24 III-2 "The first power reserved by the people is the  
25 initiative whereby laws may be enacted and constitutional  
26 amendments adopted by the people independently of the Legislature.  
27 This power may be invoked by petition wherein the proposed measure  
28 shall be set forth at length. If the petition ~~be~~ is for the

1 enactment of a law, it shall be signed by seven percent of the  
2 registered voters of the state. ~~If 7 and if~~ the petition ~~be~~ is for  
3 the amendment of ~~the~~ this Constitution, the petition ~~therefor~~ shall  
4 be signed by ten percent of such registered voters. In all cases  
5 the registered voters signing such petition shall be so distributed  
6 as to include five percent of the registered voters of each of  
7 two-fifths of the counties of the state, and when thus signed, the  
8 petition shall be filed with the Secretary of State who shall  
9 submit the measure thus proposed to the electors of the state at  
10 the first general election held not less than ~~four~~ nine months  
11 after such petition shall have been filed. The same measure,  
12 either in form or in essential substance, shall not be submitted to  
13 the people by initiative petition, either affirmatively or  
14 negatively, more often than once in three years. If conflicting  
15 measures submitted to the people at the same election ~~be~~ are  
16 approved, the one receiving the highest number of affirmative votes  
17 shall thereby become law as to all conflicting provisions. The  
18 constitutional limitations as to the scope and subject matter of  
19 statutes enacted by the Legislature shall apply to those enacted by  
20 the initiative. Initiative measures shall contain only one  
21 subject.".

22           Sec. 3. At the general election in November 2000 the  
23 following proposed amendment to the Constitution of Nebraska shall  
24 be submitted to the electors of the State of Nebraska for approval  
25 or rejection:

26           To amend Article III, sections 1 and 5, and Article V,  
27 section 25:

28           III-1 "The Commencing with the regular session of the

1 Legislature to be held in January, nineteen hundred and  
2 ~~thirty-seven~~, the legislative authority of the state shall be  
3 vested in a Legislature consisting of one chamber. The people  
4 reserve for themselves, however, the power to propose laws, and  
5 amendments to the ~~constitution~~, Constitution and to enact or reject  
6 the same at the polls, independent of the Legislature, and which  
7 power shall be called the power of initiative. The people also  
8 reserve power at their own option to approve or reject at the polls  
9 any act, item, section, or part of any act passed by the  
10 Legislature, which power shall be called the power of referendum.  
11 All authority vested by the constitution or laws of the state in  
12 the Senate, House of Representatives, or joint session thereof, in  
13 so far as applicable, shall be and hereby is vested in said  
14 Legislature of one chamber. All provisions in the constitution and  
15 laws of the state relating to the Legislature, the Senate, the  
16 House of Representatives, joint sessions of the Senate and House of  
17 Representatives, Senator, or member of the House of  
18 Representatives, shall, in so far as said provisions are  
19 applicable, apply to and mean said Legislature of one chamber  
20 hereby created and the members thereof. All references to Clerk of  
21 House of Representatives or Secretary of Senate shall mean, when  
22 applicable, the Clerk of the Legislature of one chamber. All  
23 references to Speaker of the House of Representatives or temporary  
24 president of the Senate shall mean Speaker of the Legislature.  
25 Whenever any provision of the constitution requires submission of  
26 any matter to, or action by, the House of Representatives, the  
27 Senate, or joint session thereof, or the members of either body or  
28 both bodies, it shall after January first, nineteen hundred and

1 ~~thirty-seven,~~ be construed to mean the Legislature herein provided  
2 ~~for.~~"

3 III-5 "The ~~At the regular session of the Legislature held~~  
4 ~~in the year nineteen hundred and thirty-five~~ the Legislature shall  
5 by law determine the number of members to be elected and divide the  
6 state into legislative districts. In the creation of such  
7 districts, any county that contains population sufficient to  
8 entitle it to two or more members of the Legislature shall be  
9 divided into separate and distinct legislative districts, as nearly  
10 equal in population as may be and composed of contiguous and  
11 compact territory. One member of the Legislature shall be elected  
12 from each such district. The basis of apportionment shall be the  
13 population excluding aliens, as shown by the next preceding federal  
14 census. The Legislature shall redistrict the state after each  
15 federal decennial census. In any such redistricting, county lines  
16 shall be followed whenever practicable, but other established lines  
17 may be followed at the discretion of the Legislature."

18 V-25 "For the effectual administration of justice and the  
19 prompt disposition of judicial proceedings, the supreme court may  
20 promulgate rules of practice and procedure for all courts, uniform  
21 as to each class of courts, and not in conflict with laws governing  
22 such matters. To the same end, the court may, and when requested  
23 by the Legislature by ~~joint~~ resolution, shall, certify to the  
24 Legislature, its conclusions as to desirable amendments or changes  
25 in the general laws governing such practice and proceedings.".

26 Sec. 4. The proposed amendments shall be submitted to  
27 the electors in the manner prescribed by the Constitution of  
28 Nebraska, Article XVI, section 1, with the following ballot



1 language:

2 "A constitutional amendment to change election procedures  
3 for constitutional amendments to require two separate  
4 votes by the electorate.

5 For

6 Against".

7 "A constitutional amendment to change filing requirements  
8 for initiative petitions.

9 For

10 Against".

11 "A constitutional amendment to identify the powers of  
12 initiative and referendum and to remove obsolete  
13 language.

14 For

15 Against".